IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 1908 OF 2007

Anil Prabhakar Samant.... Petitioner

versus

M/s. Hindal Co. Industries Ltd. & Ors.... Respondent.

Shri I.R.Kulkarni for the petitioner.
Shri P.N.Anavkar with Rahul Oak for Respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 21ST MARCH, 2007

P.C.;

1. By this writ petition, the petitioner questions the legality and validity of the interlocatory order passed by the Industrial court in revision, which in turn,confirms the order passed by the labour court rejecting the prayer made by the petitioner for interim relief.

2. The petitioner was charge sheeted for insubordination and an enquiry was inititated. When the departmental enquiry was in half way the petitioner filed a complaint under section 28 of the MRTP & PULP Act and therein moved an application under section 30(2) of the said Act seeking to restrain
the respondent from terminating the services of the

complaint, pursuant to a show cause notice dated 8-9-2006. The labour court and the industrial court have on appreciation of facts declined the prayer for interim relief and it is this interlocatory order, which is challenged in the present writ petition.

3. Perused the orders passed. No interference is called for. However, it is made clear that it shall be open for the petitioner to question the legality or otherwise of the order of punishment which the respondent may issue pursuant to the show cause notice. As and when the petitioner questions the correctness of the order of punishment, the court below shall proceed to consider the same uninfluenced by the observations made in the impugned order for the reason that the impugned orders are passed on primafacie consideration of the material. It is further made clear that if the petitioner proposes to challenge the order of punishment, by amending the present complaint, he is permitted to do so, by making appropriate application before the labour court. The learned counsel for the respondent has no objection in this regard. Writ petition is therefore summarily dismissed.

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